

CRIMINAL CAUSE FOR PLEADING AND SENTENCING

Before: Dora L. Irizarry, U.S.D.J. Date: August 7, 2009 Time in Court: 2 hrs. 10 mins.

Docket Number: 03-CR-1322(S-1)

Defendant's Name: **MOHAMMED ZAYED** #2
 Present Not Present Custody Bail

Defense Counsel: **CURTIS FARBER**
 CJA Retained Federal Defenders

A.U.S.A.: **PAM CHEN AND JEFF KNOX**

U.S.P.O. LISA LANGONE

Arabic Interpreter: **FOUAD ELSHIEKH**

Reporter: MICHELE NARDONE

PLEADING:

- The defendant has reached a plea agreement pursuant to Rule 11(c)(1)(C). The defendant waives any further presentence investigation by the Probation Department and waives sentencing rights set forth in Rule 32 and wishes to proceed with sentencing today, immediately following allocution. The defendant also waives any further judicial proceedings regarding deportation or removal.
- The defendant is placed under oath, advised of his rights, waives trial before the district court and pleads guilty to count three of the superseding indictment.
- The court finds a factual basis for the plea. The court finds the plea is made knowingly and voluntarily with a full understanding of all rights and consequences of the plea. The court accepts the plea of guilty.

SENTENCING

- Statements of the government and defense counsel are heard prior to the imposition of sentence.
- The defendant waives his right to address the court prior to the imposition of sentence.
- For the reasons noted in the government's memorandum of 8/5/09, as well as the reasons stated on the record, the court imposes a sentence of time served with no period of supervised release. The defendant already paid the mandatory special assessment. Restitution is not applicable.
- The court orders the execution of the sentence stayed until the U.S. Marshal Service releases the defendant to appropriate transporting authorities for immediate removal from the U.S.
- The court orders that the defendant remain in the custody of the U.S. Marshal Service until transportation arrangements are made for his immediate removal from the U.S.
- All open counts and the underlying indictment are dismissed upon the government's motion.
- A control date for conference is set for August 11, 2009 at 10:00 a.m. This conference will be held only if the defendant has not been removed from the U.S. by this date.
- The government shall provide copies of all executed plea documents to chambers.

The following documents were marked as court exhibits:

1. Plea agreement
2. Defendant's plea statement
3. [Government's] Notice of intent to request judicial removal
4. Factual allegations in support of removal
5. Order of Judicial Removal